HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No.25069 OF 2005

Dated 15-12-2005

Between :

1. Gona Ravinder Rao, son of Chandrarao, aged 31 years, Occupation : Business, resident of J.P. Nagar, Miyapur village, Serilingampally Mandal, Ranga Reddy District, A.P. and others.

….Petitioners.

And :

1. The District Registrar, Stamps and Registration, Kukatpally, Ranga Reddy District and others.

…..Respondents.

ORDER :

When the W.P.M.P.No.32226 of 2005 came up for hearing, with the consent of both the counsel, the writ petition is taken up for hearing.

2. The petitioners claim that they are the owners of 1290 sq. yrds. compromising survey No.44/1 Miyapur village, Ranga Reddy District having purchased/acquired under sale deeds/gift settlement deeds. They obtained permission from the Municipal Corporation, Serilingampally Municipality vide proceedings No. G/781/BP/1027/2005 dated 9-5-2005 for construction of residential /industrial building consisting of Stilt + 5 Upper Floors. They sold the plots to various persons. They presented the documents before the Joint Sub-Registrar, Stamps and Registration-2nd respondent. The Joint Registrar-2nd respondent in turn refused to receive the documents on the ground that he received a communication from the Special Officer and Competent authority-3rd respondent vide letter No.H1/7584/76 dated 22-09-2005 directing him not to register the sale deeds in respect of survey No.44. Hence, this writ petition.

3. Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

4. The learned counsel for the petitioners submits that the letter impugned in the writ petition fell for consideration in W.P. No.23470 of 2005 dated 9-11-2005 (Mallani Sandaiah, son of Mallani Eraiah, resident of Miyapur, Serilingampally Mandal, Ranga Reddy District Vs. 1. The District Registrar, Stamps & Registration, Kukatpally, Ranga Reddy District and others.) wherein it is held as follows :

“Learned counsel for the petitioner relied on a judgment of this Court in the case of KUNCHANAPALLI MYUSOORAIAH v. SUB-REGISTRAR, CUDDAPAH DISTRICT () wherein this Court held that merely because certain proceedings are pending the same does not confer any right on the registering authority to refuse to register the document or withhold the document. The satisfaction for the purpose of registration has to be wholly ion terms of the provisions of the relevant Acts and not beyond that.

5. Since no notification has been issued by the Government under Section 22-A of the Act in respect of Sy. No.44 or 44/1 the action of respondents to withhold the documents presented by the petitioner is illegal and unsustainable.

6. Accordingly the writ petition is allowed directing the respondents to consider and process the document presented by the petitioner and release the same if it is found to be otherwise in order and if proper stamp duty and registration fee is paid.”

7. The case of the petitioner is the same as that of the petitioner in W.P.M.P.No.32226 of 2005 and therefore, a similar direction is required to be issued in this writ petition also.

8. Accordingly, the writ petition is allowed directing the respondents to consider and process the documents presented by the petitioners and release them if they are found to be otherwise in order and if proper stamp duty and registration fee is paid. No costs.

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Justice B.SESHASAYANA REDDY

Date : 15-12-2005.

Dvs

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